

SCOTTSDALE

CITY COUNCIL MEETING

AGENDA



COUNCIL

Mary Manross, Mayor

Wayne Ecton

Robert W. Littlefield

Ned O'Hearn

David Ortega

Roberta Pilcher

Tom Silverman

Tuesday, May 4, 2004

5:00 P.M.

MARKED AGENDA

CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard – **5: 06 P.M.**

Roll Call – **ALL PRESENT**

Pledge of Allegiance – **TROOP 1627 CHEYENNE ELEMENTARY SCHOOL**

Invocation – **PASTOR BOB GOESS, ROCK CHURCH**

Presentations/Information Updates

State Spelling Bee Proclamation – **PRESENTED MONDAY, MAY 3, 2004**

Arizona Dispute Resolution Week Proclamation – **PRESENTED MONDAY, MAY 3, 2004**

Public Comment - HOWARD MYERS – THANKED OUT-GOING COUNCIL MEMBERS; LYLE WURTZ – CONCERNED ABOUT THE NUMBER OF CONSENT AGENDA ITEMS; LEON SPIRO – OPEN MEETING LAW CONCERNS

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "public comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

Minutes – **OK – 7/0**

SPECIAL MEETINGS

April 20, 2004

REGULAR MEETINGS

April 20, 2004

EXECUTIVE SESSIONS

March 16, 2004

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Comment Card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. Harry's Strip Club Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing restaurant that formerly operated under the business name Ayako of Japan.

Location: 7042 E. Indian School Road

Reference: 19-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Development Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

2. Spice Restaurant & Lounge Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing location that previously operated with a series 12 license under the business name Moloko.

Location: 7228 E. 1st Avenue

Reference: 20-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Development Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

3. Phoenix Wine Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer/wine store) State liquor license for a new beer/wine store location.

Location: 10820 N. 71st Place

Reference: 21-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Development Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, May 4, 2004
Page 3 of 8

4. Maria's When in Naples Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing restaurant.

Location: 7000 E. Shea Boulevard, Suite 1010

Reference: 22-LL-2004

Staff Contacts: Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Development Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

5. Saigon Nites Vietnamese Cuisine Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for a previously unlicensed location.

Location: 15111 N. Hayden Road, Suite 110

Reference: 23-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Development Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

6. Cocina Mexico Restaurante Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) State liquor license for an existing restaurant location that previously operated with a restaurant license under the business name Casa Mia Ristorante Italiano.

Location: 11219 E. Via Linda, #D-1

Reference: 24-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Development Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

7. Jack's Convenient Store Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 10 (beer/wine store) State liquor license for an establishment that previously operated with a series 09 (liquor store) license under the business name Scottsdale Liquor Mart.

Location: 2931 N. 68th Street

Reference: 25-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Development Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

8. Dirty Dogg Bar Conditional Use Permit – OK – C – WITH SPECIAL LANGUAGE IN MOTION

Request: Consider approving a conditional use permit for a bar in an existing building located at 10409 N. Scottsdale Road with Highway Commercial District (C-3) zoning.

Location: 10409 N. Scottsdale Road

Reference: 4-UP-2004

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Kira Wauwie, Project Coordination Manager, 480-312-7061, kwauwie@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, May 4, 2004
Page 4 of 8

9. Dirty Dogg Bar Liquor License – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a series 6 (bar) State liquor license for a location that previously operated with a series 12 (restaurant) license under the business name El Camino Cafe.

Location: 10409 N. Scottsdale Road

Reference: 3-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Development Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

10. Patsy Grimaldis Pizzeria Permanent Extension of Premises – OK - C

Request: Consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a permanent extension of premises that will add a new waiting/seating area to an existing restaurant.

Location: 4000 N. Scottsdale Road

Reference: 15-EX-2004

Staff Contacts: Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Development Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

11. E4 Development Group Conditional Use Permit – OK – C WITH SPECIAL LANGUAGE IN MOTION

Request: Consider approving a conditional use permit for a bar on a .98 +/- acre parcel located at 4282 N. Drinkwater Blvd. with Downtown/Office Residential Type 2, Planned Block Development, Downtown Overlay (D/OR-2 PBD DO) zoning.

Location: 4282 N. Drinkwater Boulevard

Reference: 1-UP-2004

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Bill Verschuren, Senior Planner, 480-312-7734, bverschuren@scottsdaleaz.gov

12. Jamaican Blue Conditional Use Permit – OK – C WITH SPECIAL LANGUAGE IN MOTION

Request: Consider approving a conditional use permit for a bar in a building located at 4017 N. Scottsdale Road, Suite 104 with Downtown, Retail Specialty Type 1 District, Downtown Overlay (D/RS-1 DO) zoning.

Location: 4017 N. Scottsdale Road, Suite 104

Reference: 5-UP-2004

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Bill Verschuren, Senior Planner, 480-312-7734, bverschuren@scottsdaleaz.gov

13. Montacino McDowell Mountain Final Plat – OK - C

Request: Approve the Final Plat for 28 residential lots with amended development standards on a 7.226 acre parcel.

Location: 330' west of the southwest corner of Shea Boulevard and 124th Street

Reference: 10-PP-2003

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, May 4, 2004
Page 5 of 8

14. Pink Pony Restaurant Historic Property Overlay – OK - C

Requests:

1. Consider a request to rezone from Central Business District Downtown Overlay (C-2 DO) to Central Business District, Downtown Overlay, Historic Property (C-2 DO HP) for the Pink Pony Restaurant (.2 +/- acre parcel) at 3831 N. Scottsdale Road and to place the property on the Scottsdale Historic Register.
2. Consider adopting Ordinance No. 3562 affirming the rezoning.

Location: 3831 N. Scottsdale Road

Reference: 19-ZN-2003/5-HP-2003

Staff Contact(s): Robert J. Cafarella, Director, Preservation Division, 480-312-2577, rcafarella@scottsdaleaz.gov; Don Meserve, Preservation Planner, 480-312-2523, dmeserve@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

15. Sugar Bowl Restaurant Historic Property Overlay – OK - C

Requests:

1. Consider a request to rezone from Central Business District, Downtown Overlay (C-2 DO) to Central Business District, Downtown Overlay, Historic Property (C-2 DO HP) for the Sugar Bowl Restaurant (.13 +/- acre parcel) at 3935 and 4005 N. Scottsdale Road and to place the property on the Scottsdale Historic Register.
2. Consider adopting Ordinance No. 3563 affirming the rezoning.

Location: 3935 and 4005 N. Scottsdale Road

Reference: 20-ZN-2003/6-HP-2003

Staff Contact(s): Robert J. Cafarella, Director, Preservation Division, 480-312-2577, rcafarella@scottsdaleaz.gov; Don Meserve, Preservation Planner, 480-312-2523, dmeserve@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

16. Scottsdale National 30-Acre Rezoning – OK - C

Requests:

1. To rezone from Single-Family Residential, Environmentally Sensitive Lands District (R1-190 ESL) to Single Family Residential, Environmentally Sensitive Lands District (R1-190 ESL and R1-70 ESL) on 30 +/- acre property located at the southeast corner of Rio Verde Drive and 136th Street.
2. Consider adopting Ordinance No. 3564 affirming the rezoning.

Location: East Rio Verde Drive/136th Street (Southeast corner)

Reference: 2-ZN-2004

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Kurt Jones, Current Planning Director, 480-312-2524, kjones@scottsdaleaz.gov

CONSENT AGENDA

Tuesday, May 4, 2004
Page 6 of 8

17. McKnight and Main Office/Residential Building Rezoning – OK - C

Requests:

1. To rezone from Single-Family Residential District, Downtown Overlay (R1-7 DO) to Service Residential District, Downtown Overlay (S-R DO) on a .25 +/- acre parcel located at 7539 McKnight Avenue.
2. To consider adopting Ordinance No. 3566 affirming the rezoning.

Location: 7539 E. McKnight Avenue

Reference: 4-ZN-2004

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Greg Williams, Senior Planner, 480-312-4205, gwilliams@scottsdaleaz.gov

18. Code Enforcement Text Amendment Extending Administrative Citation Authority for Zoning Ordinance Violations – OK - C

Requests:

1. To approve a Text Amendment to amend Ordinance 455 (Zoning Ordinance) Article I., Administration and Procedures, Section 1.1400. Violation and Penalty to allow for Administrative penalties for violations of the Zoning Ordinance.
2. To adopt Ordinance No. 3565 affirming the above Text Amendment.

Location: City-wide

Reference: 3-TA-2004

Staff Contact(s): Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Raun Keagy, Neighborhood Services Director, 480-312-2373, rkeagy@scottsdaleaz.gov

19. Construction Bid Award for Sidewalk Improvements - Phase III – OK - C

Request: Authorize Construction Bid Award No. 04PB056 for construction of wheelchair ramps in existing sidewalks and new concrete sidewalks and associated work to Carson Construction, Inc., the lowest responsive bidder, at their lump sum bid of \$139,994.

Related Policies, References: The Sidewalk Element of the General Plan supports increasing the level of service for pedestrians through completion of the City's system of sidewalk and wheelchair ramps.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Chris Perkins, Public Works Project Coordinator, 480-312-7845, cperkins@scottsdaleaz.gov

20. Construction Bid Award for Roadway Capacity Improvements – OK - C

Request: Authorize Construction Bid Award No. 04PB051 for construction of Roadway Capacity Improvements at Four Separate Locations to JMH Company, LTD, the lowest responsive bidder, at their unit price bid of \$254,655.10.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Chris Perkins, Public Works Project Coordinator, 480-312-7845, cperkins@scottsdaleaz.gov

21. Architectural Services Contract for Scottsdale Center for the Arts Renovations – OK - C

Request: Authorize Architectural Services Contract 2004-030-COS with John Douglas Architecture & Planning, in the total amount of \$115,849 to prepare construction documents for facility improvements at the Scottsdale Center for the Arts

CONSENT AGENDA

Tuesday, May 4, 2004
Page 7 of 8

22. **Hirsch Electronics Sole Source Designation Product – OK - C**

Request: Authorize the designation of Hirsch Electronics manufactured software and equipment as a sole source product for future solicitations for electronic, card-key access control installations at City facilities.

Related Policies, References: Administrative Regulation 100: Access to Facilities

Staff Contact(s): Alan A. Rodbell, Police Chief, 480-312-5310, arodbell@scottsdaleaz.gov; Marc Eisen, Director Homeland Security, 480-312-7999, meisen@scottsdaleaz.gov; Monroe Warren, Purchasing Director, 480-312-5705, mwarren@scottsdaleaz.gov; Dave Petty, Water and Wastewater Operations Director, 480-312-5661, dpetty@scottsdaleaz.gov

23. **Construction Bid Award for Well 23 Site Improvements and Transmission Main and Shea Boulevard and 65th Place Area Water Distribution System Improvements – OK - C**

Request: Authorize Construction Bid Award No. 04PB073 to Blucor Contracting, Inc., the lowest responsive bidder, at their unit price bid of \$921,756.

Related Policies, References:

- a. Contract Modification to Engineering Services Contract No. 2000-198A-COS with David Evans and Associates, Inc. for the design of Water Distribution Systems Improvements on December 10, 2001.
- b. Contract Modification to Engineering Services Contract No. 2002-030A-COS with CSA Engineering, Inc. for the design of waterline replacement projects on March 17, 2003.
- c. Construction Bid Award No. 04PB025 with Garney Companies for the Arsenic Removal Water Treatment Facility at Well Site 32, located at 11606 N. 64th Street on February 17, 2004.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Alison Tymkiw, Sr. Project Manager, 480-312-7985, atymkiw@scottsdaleaz.gov; Joe Gross, Water Resources Director, 480-312-5628, jgross@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. **You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

24. Solicit public testimony on the Proposed FY 2004/05 Operating Budget and Capital Improvement Plan. - MOTION TO ACCEPT THE RECOMMENDATIONS OF THE BUDGET

SUBCOMMITTEE - OK 6/1 (DO)

MOTION TO AMEND THE ORIGINAL MOTION TO REMOVE \$8 MILLION CURRENTLY ALLOCATED FOR THE ECONOMIC INVESTMENT FUND AND RELOCATE IT WITHIN IN THE BUDGET TO ALIGN THE FUNDING WITH PAST CITY POLICY. – MOTION DIED FOR LACK OF A SECOND

Request: The City Council receives public input relative to the Proposed FY 2004/05 Operating Budget and Capital Improvement Plan.

Staff Contact(s): Craig Clifford, Financial Services General Manager, 480-312-2364, cclifford@scottsdaleaz.gov; Art Rullo, Budget Director, 480-312-2335, arullo@scottsdaleaz.gov

Public Comment - NONE

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action will be taken on these items.

City Manager's Report - NONE

Mayor and Council Items - NONE

Adjournment - 6:53 P.M.

Section 2.17 of the Scottsdale City Code states, "Regular Meetings that are scheduled to be conducted on consecutive days may be combined and held on either of the two (2) days, at the election of the council, and shall be considered a single meeting." The Council may hold over any items noticed on the Monday agenda to the agenda for the Tuesday meeting.